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# Security Council

Seventy-first year

*Provisional*

**7603**rd meeting

Thursday, 14 January 2016, 10 a.m.

New York

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| *President*: | Mr. Rosselli | (Uruguay) |
| *Members*: | Angola | Mr. Gaspar Martins |
| | China | Mr. Zhao Yong |
| | Egypt | Mr. Aboulatta |
| | France | Mr. Delattre |
| | Japan | Mr. Okamura |
| | Malaysia | Mrs. Adnin |
| | New Zealand | Mr. Van Bohemen |
| | Russian Federation | Mr. Iliichev |
| | Senegal | Mr. Ciss |
| | Spain | Mr. Oyarzun Marchesi |
| | Ukraine | Mr. Yelchenko |
| | United Kingdom of Great Britain and Northern Ireland | Mr. Wilson |
| | United States of America | Ms. Power |
| | Venezuela (Bolivarian Republic of) | Mr. Suárez Moreno |

## Agenda

The situation concerning the Democratic Republic of the Congo

Report of the Secretary-General on the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (S/2015/1031)

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*The meeting was called to order at 10.05 a.m.*

**Adoption of the agenda**

*The agenda was adopted.*

**The situation concerning the Democratic Republic of the Congo**

**Report of the Secretary-General on the United Nations Operation Stabilization Mission in the Democratic Republic of the Congo (S/2015/1031)**

**The President** (*spoke in Spanish*): In accordance with rule 37 of the Council's provisional rules of procedure, I invite the representative of the Democratic Republic of the Congo to participate in this meeting.

In accordance with rule 39 of the Council's provisional rules of procedure, I invite Mr. Maman Sidikou, Special Representative of the Secretary-General for the Democratic Republic of the Congo and Head of the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo, to participate in this meeting. On behalf of the Council, I welcome Mr. Sidikou, who is joining today's meeting via video teleconference from Goma.

The Security Council will now begin its consideration of the item on its agenda.

I wish to draw the attention of Council members to document S/2015/1031, which contains the the report of the Secretary-General on the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo.

I now give the floor to Mr. Sidikou.

**Mr. Sidikou** (*spoke in French*): I thank you, Mr. President, for this opportunity to brief the Security Council on the situation in the Democratic Republic of Congo. I will brief the Council in person next March but, given the prevailing situation in the country, it seemed appropriate that I remain in the Mission area for today's briefing.

My briefing will focus on three issues, namely, the evolution of the political situation in relation to the national elections scheduled for later this year, recent trends in security in the east of the country, and the planned withdrawal of some of the troops of the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO). I will try to make recommendations to the Council on each of those issues.

(*spoke in English*)

The presidential and legislative elections scheduled for November of this year are a deeply divisive issue, particularly given the continued absence of an agreed electoral calendar or a budget for the elections. The formal preparations for a national dialogue, announced by President Kabila as a means to forge consensus on the electoral process, have not yet begun, in part due to strong opposition against the initiative by many major opposition groups.

President Kabila is continuing consultations, including with the United Nations and the African Union, on the designation of an international facilitator for the national dialogue. During my meetings with the President, I have expressed the readiness of MONUSCO to support an inclusive Congolese process guided by the country's Constitution. In that context, it is encouraging to note that, at the end of December, the Catholic Bishops Conference met separately with leaders of the majority and opposition parties, the Electoral Commission and civil society representatives to seek their views on reviving the electoral process. I understand that all participants agreed on the need for some form of dialogue. I am continuing my contacts with the committee established by the Bishops Conference to support further confidence-building efforts and encourage a way forward. However, many of my interlocutors have expressed scepticism that the rift between the majority and the opposition can be bridged, potentially leading to delays in the electoral calendar.

In the absence of agreement on the electoral process, political polarization has heightened tensions and contributed to an atmosphere of increased harassment and human rights violations. Since last year, MONUSCO has registered more than 260 human rights violations related to elections, mostly against opposition members, civil society representatives and journalists. That, combined with the rising number of human rights abuses by armed groups in eastern Democratic Republic of the Congo, illustrates a worrying trend of narrowing political space and a real challenge to the conduct of peaceful, credible elections. However, in other areas where there have been longstanding human rights concerns, it is important to acknowledge the significant steps taken by the Congolese authorities. For example, the Forces armées de la République démocratique du

Congo (FARDC) completed 20 trials in the past three months, finding 19 officers guilty of rape. For the past nine months, the FARDC has supported the commission overseeing the action plan against sexual violence, to which President Kabila recommitted his support last December.

Turning to the security situation, there has been a significant deterioration in the eastern part of the country in recent weeks, particularly in the Beni and Lubero territories of North Kivu, where activities by the Allied Democratic Forces (ADF) and the Force démocratiques de libération du Rwanda (FDLR), among other groups, pose ongoing and serious threats to the civilian populations. In the Beni territory, the ADF has been the target of operations by the FARDC under Sukola I operations for the past two years. Nonetheless, the ADF remains able to coordinate simultaneous attacks on the FARDC and MONUSCO. The Council will recall that more than 500 civilians have been killed by the ADF and its allies since 2014, and since December of last year there have been 45,000 newly displaced civilians.

That situation continues today, with some people displaced as far north as Ituri province, with ongoing tensions among the communities on the ground. MONUSCO has responded against suspected ADF locations, including a 1 December 2014 aerial operation following ADF attacks around Eringeti and Makembi. The Mission has taken immediate steps to strengthen the protection of civilians through increased joint police and military patrols, and the redeployment of an additional company operating base of the Force Intervention Brigade, along with increased outreach and early warning activities.

On 4 and 5 December, I visited Beni to meet with local authorities and civil society to assess options for further action. I returned to the area on 12 December with a delegation of the Special Envoy of the Secretary-General for the Great Lakes Region to engage their diplomatic support. I have also encouraged the Government at the highest levels to engage directly on this serious issue. President Kabila's recent visit to the east is a positive sign in that regard.

Since October, FARDC Sukola II operations have intensified against the FDLR in Lubero and bordering territories. That has been accompanied by an increase in Mayi-Mayi operations against the FDLR and its allies. Civilians have been caught up in the fighting and have been displaced, forcibly abducted or targeted for massacres or harassment, often on the basis of ethnicity and perceived collaboration with the FDLR. Reprisal attacks by suspected FDLR elements have been reported, most recently on 7 January in Miriki, southern Lubero, where displaced members of the Hutu community had sought refuge. At least 18 people were killed in the attack, mostly women and children from the Nande community. The situation appears to be worsening in Lubero, and could potentially turn into an open inter-ethnic conflict between the Hutu and Nande communities. That dynamic could easily spark violence in adjoining territories where competition over land and customary authority has already heightened tensions. Reports of increased recruitment into self-defence groups based on ethnicity are a worrying sign, and the upcoming elections period could serve to further politicize and instrumentalize the groups on the ground.

MONUSCO is engaged with the Government and the FARDC command to encourage increased military pressure on local militia in North Kivu and to cooperate with a view to bringing about increased voluntary disarmament. That, in combination with ongoing disarmament, demobilization and reintegration processes and political engagement to resolve conflict, is a key priority for the Mission in the coming period. Increased early warning activities to ensure the effective protection of civilians in this area are also a key priority.

The crisis in Burundi has produced new risks of renewed instability in South Kivu. Already there are 13,000 refugees from Burundi sheltering in the camp of the Office of the United Nations High Commissioner for Refugees in Uvira territory, and a new flow of refugees into the country has been reported. The Mission has received worrisome reports of infiltrations by armed elements into this province, with local actors expressing fears that some groups are trying to establish rear bases in Uvira and Fizi territories. We will continue to closely monitor the situation along the border and the impact of the Burundian crisis on Democratic Republic of the Congo, to ensure that appropriate contingency plans are in place.

The Council is well aware of the proposed reduction of MONUSCO's force by 1,700 troops. I am ready to address questions regarding how the reduction will be taken forward, in close coordination with the Government via a strategic dialogue and in line with resolution 2211 (2015). In that regard, I would

highlight that the drawdown will be accompanied by a process of force transformation, which will ensure that MONUSCO exercises greater operational capability in eastern Democratic Republic of the Congo, even as the force gradually reduces in overall numbers. The key goal is to continue to project force and to be able to protect civilians as the number of static sites decreases. The core of the force transformation is rapid deployment capability, delivered by rapid reaction brigades, which will start deployment into MONUSCO next month. That, combined with greater air reconnaissance and operational capabilities, is designed to ensure responsiveness, agility and the ability to take forward a robust strategy to protect civilians in the coming period.

In conclusion, I would like to draw the Council's attention to three areas where strong messaging and engagement would be particularly useful.

First, given the very real risks of civil unrest and violence related to the electoral process, it is critical that every effort be made to rebuild confidence among the stakeholders to find a way forward. I would encourage the Council to support an inclusive dialogue that upholds the Constitution. Such a process should build confidence among the citizens, ease political tensions, reduce the risk of escalation and contribute to an atmosphere conducive to the protection of the fundamental freedoms guaranteed under the Constitution.

Secondly, there is a window of opportunity now to deepen our partnership with Governments and move towards a common vision and joint approach to addressing insecurity in the east of the country. I have received clear signals of this from President Kabila himself and others in the Government. I believe it is important that every effort be made to work collaboratively with the FARDC and State authorities to meet the many challenges and protect civilians at this difficult time. The resumption of security cooperation would be a key aspect in that regard, and could lead to meaningful reductions in the capabilities and influence of armed groups in the east. The Council's encouragement of such an approach would be particularly useful at this time.

Thirdly, regarding the Mission's force reduction and transformation, I am confident that the Government of the Democratic Republic of the Congo and MONUSCO will soon resume structured and meaningful discussions within the framework of the strategic dialogue in order to agree on ways to effectively implement MONUSCO's mandate and jointly develop an exit strategy. The Council's continued support for such an approach will be important, particularly upon entering the mandate renewal discussions in March.

(*spoke in French*)

In conclusion, I thank the Security Council and the Member States for their active support to MONUSCO. I also express my gratitude to all the personnel of the Mission and of the United Nations who are working in difficult and at times dangerous conditions in the Democratic Republic of the Congo. In that regard, I pay solemn tribute to Staff Sergeant Dyson Mayao, of Malawi, who lost his life last year serving in the Force Intervention Brigade tasked with protecting civilians against attacks in the city of Erengeti.

**The President** (*spoke in Spanish*): I thank Mr. Sidikou for his briefing.

I now give the floor to the representative of the Democratic Republic of the Congo.

**Mr. Gata Mavita wa Lufuta** (Democratic Republic of the Congo) (*spoke in French*): First and foremost, I wish to congratulate Uruguay' on its accession to presidency of the Security Council and commend the great skill with which you, Sir, have led the Council since the beginning of the month.

My delegation also commends the leadership of Ambassador Samantha Power, Permanent Representative of the United States of America to the United Nations, in the Council in December last year. Finally, I wish to pay tribute to Secretary-General Ban Ki-moon, to whom my country owes so much for his remarkable and tireless efforts to ensure that peace returns to the Democratic Republic of the Congo.

My delegation notes the report of the Secretary-General on the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO), as contained in document S/2015/1031, the content of which we fully appreciate. With your kind indulgence, Mr. President, I shall briefly touch on a number of points contained in the report before us today, including the elections, the inclusive national dialogue, armed groups, the implementation of the Nairobi Declarations and the strategic dialogue.

As underscored in paragraph 9 of the Secretary-General's report, the electoral process in my country seems to be experiencing some delay but, as was

eloquently recalled by His Excellency Mr. Raymond Tshibanda N'tungamulongo, Minister for Foreign Affairs and International Cooperation when he spoke at the General Assembly in September (see A/70/PV.24), the Democratic Republic of the Congo is committed to organizing general elections, which will be the third after those held in 2006 and 2011, even though the road towards the elections may seem to be strewn with obstacles. Despite such challenges, my Government will do all in its power to meet the challenge of organizing elections that meet all international standards of inclusivity, transparency and credibility.

Nevertheless, I am compelled to recall that, following the political intolerance and the failure of the losers to accept the results before, during and after the 2006 and 2011 elections, my country experienced deadly violence that led to loss of human life and property. In a bid to avert a recurrence of that situation, His Excellency Mr. Joseph Kabila Kabange, President of the Republic, engaged the country in national dialogue so that our political stakeholders, civil society, and religious and traditional authorities could agree together on the ways and means that would enable us to overcome the obstacles we face with a view to achieving consensus on the electoral process under way, in accordance with the relevant provisions of the Constitution. In that regard, let me touch on the fact that the aforementioned obstacles are linked first and foremost with the electoral list, which has raised some questions on its reliability and inclusiveness.

While there is no guarantee to date that all Congolese of voting age are on the electoral list — as illustrated by the problems with those who have recently reached voting age, Congolese living abroad and refugees returning home — at the same time there is nothing to prove that all names on the list are there legitimately. The International Organization of la Francophonie, which audited the list, recognized the need to update it. Therefore, after considering the options, the consensus is either to have elections based on a flawed voters list — which could lead to the election results being challenged — or to address the flaws of the list ahead of the process and reduce the risk as much as possible.

The second obstacle is the electoral calendar. Admittedly, there is a general calendar that includes the organization of elections at all levels. However, as the Head of State pointed out in his speech to the nation when he announced the convening of the inclusive national dialogue, that calendar is not operational at this point because of the multiple dissenting opinions within the political establishment. Indeed, before it was published the calendar was demanded by the opposition, which then promptly challenged it. The differences concerning the calendar have never been resolved, to the point that the initial voting planned for October did not take place.

The third obstacle is providing secure conditions for the elections. The elections of 2006 and 2011 were marred by violence in certain constituencies. Indeed, in 2006 the highest adjudicatory body, the Supreme Court of Justice, was torched, and following that election, a war broke out in Kinshasa in 2007 that led to the loss of several lives because the results were not accepted. A very similar situation arose in 2011, when violence broke out in Kinshasa and several other cities and towns in the country before, during and after elections because of altercations between activists of rival political parties. Beyond providing physical and material security for the candidates and voters, the problem at this level is that of the role that should be played by the political establishment in promoting an environment conducive to a peaceful election process.

The fourth obstacle is the funding of the electoral process. Funding the process also requires some dialogue. So far, the National Independent Electoral Commission has forwarded to all stakeholders in the electoral process a budget equivalent to $1.2 billion to finance the entire electoral process. For 2016, the Government has published a draft financing bill with an appropriation to the tune of $500 million, which is less than half of the aforementioned budget, and with the caveat that we can only disburse tens of millions of dollars per month, while our current capacity to mobilize revenue does not allow for that.

To prevent a crisis arising from the failure to resolve all those problems responsibly, good sense recommends that we sit down together around the table and talk — hence, the need for the dialogue among Congolese. Dialogue is a virtue that we cannot avoid in democracy. Other voices — such as those of the Secretary-General, His Holiness Pope Francis, and the Episcopal Conference of the Congo, composed of all bishops of the Catholic Church in the country — have also called for dialogue.

Having thus consulted every sector of Congolese society, which has largely acknowledged the importance and necessity of organizing a national dialogue, and having recognized the urgent need, expressed by many,

to ensure that this dialogue is supported by international facilitation, on 17 November 2015 the President of the Republic asked the Secretary-General to appoint a facilitator. We are awaiting that appointment so that we can get started on our dialogue.

As noted in the Secretary-General's report, my Government has put considerable effort into combating the armed groups. In the Sukola I operations, the Forces armées de la République démocratique du Congo (FARDC), with the support of MONUSCO, continued to pursue the Allied Democratic Forces (ADF) with the aim of securing Beni and the surrounding area. The FARDC also led similar operations against the Forces de résistance patriotiques de l'Ituri. Both these and the ADF operations are supported by MONUSCO. In December, in order to assess the situation on the ground, the Head of State, as Supreme Commander of the Congolese armed forces, made an inspection tour that took him to Goma and Beni, in North Kivu, and then to Bukavu, in South Kivu. Since then the necessary arrangements have been made to ensure that those operations continue smoothly.

Regarding the Forces démocratiques pour la libération du Rwanda (FDLR), the FARDC's operations against that negative force have continued in the areas of Lubero, Rutshuru and Walikale, in North Kivu, and in the Itombwe forest, in South Kivu, and have weakened it, enabling us to arrest Ladislas Ntangazwa, a perpetrator of genocide, on 8 December. In that regard, I recall my Government's position concerning the FDLR ex-combatants and their families who are cantoned in transit sites. While we are grateful to the United Nations for taking charge of them, as we had asked, my Government would again like to see greater involvement on the part of the international community in general, and the Security Council in particular, in repatriating the ex-combatants to Rwanda or quickly resettling them in a third country outside the Great Lakes region.

Regarding the former Mouvement du 23 mars (M-23) and the delay in implementing the Nairobi Declarations, the assessment made at the Security Council's meeting on 8 October 2015 (see S/PV.7529) still stands. As the Secretary-General emphasizes in paragraphs 35 and 36 of his report, no progress has been made in repatriating former M-23 combatants, owing mainly, as was also noted at the last meeting, to the bad faith of the leaders of the former M-23. Despite the appeal made at the special meeting of defence ministers of member countries of the International Conference on the Great Lakes Region, held in Luanda on 20 October, urging all those involved to help to speed up repatriation of former M-23 combatants, the situation remains unchanged. After two meetings, held in Kinshasa on 18 November and in Kampala from 3 to 7 December, aimed at agreeing on a repatriation plan following the expiration of the time allowed, only 12 of the 1,763 former M-23 combatants in Uganda agreed to be repatriated, making for a total of 194 repatriated from Uganda since December 2014.

We can say without fear of contradiction that as of today, the Democratic Republic of the Congo is alone in implementing the Nairobi Declarations. The former M-23 combatants, held hostage by their command, refuse to respect their commitments and continue to reject voluntary repatriation despite our President's offer to mitigate it by allowing unconditional repatriation first to disarmament, demobilization and reintegration sites and subsequent reintegration to communities of the former combatants' choice. My Government believes firmly that, as the Secretary-General states in paragraph 81 of his report,

> "[t]he full and timely implementation of the Nairobi Declarations and, particularly, the repatriation of the ex-M-23 elements cantoned in Rwanda and Uganda, are critical for peace and stability in the Democratic Republic of the Congo and the Great Lakes region".

My Government's view, therefore, is that the Security Council should consider instituting sanctions against the former M-23 leadership, in accordance with the decision made by the Heads of States signatories to the Peace, Security and Cooperation Framework for the Democratic Republic of the Congo and the Region when they met in New York on September 29 2015 as part of the sixth high-level meeting of the Regional Oversight Mechanism of the Framework. It is also important that the countries that are sheltering them be encouraged to translate their commitments into action and find lasting political solutions to the obstacles to repatriating these former combatants and rehabilitating and reintegrating them into the Democratic Republic of the Congo.

The strategic dialogue is ongoing and significant progress has been made in bilateral discussions between my Government and the United Nations. In that regard, I should point out that the Congolese Government, which remains committed to continuing discussions with the United Nations in a spirit of mutual trust, is hoping that

the dialogue will result in a good outcome that, among other things, will enable us to intensify our pursuit of the negative forces still operating in the eastern part of the Democratic Republic of the Congo and to resume our joint operations against the FDLR, in accordance with MONUSCO's mandate. In that context, my delegation commends the Secretary-General's recommendations to the Security Council, in his letter of 16 December 2015 (S/2015/983) addressed to the President of the Council for the month of December, on the review of MONUSCO's mandate coming up in March, especially where reducing the Mission's military strength and improving its effectiveness are concerned.

In conclusion, my Government has taken note of the Secretary-General's comments. We welcome and greatly appreciate the assistance and sacrifices of the international community in general, and the peacekeepers of MONUSCO and the Force Intervention Brigade in particular, aimed at preserving the sovereignty and territorial integrity of our country and ensuring peace and stability for our people. Lastly, my delegation would like to express the gratitude of the Government and the people of the Democratic Republic of the Congo to the Security Council for its dedication to our country, and to offer the Council our best wishes for 2016 at the beginning of this new year.

**The President** (*spoke in Spanish*): I now invite Council members to informal consultations to continue our discussion on the subject.

*The meeting rose at 10.35 a.m.*